

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

-----: 11 Civ. 6588 (JMF) (JCF)
DWIGHT THOMAS, :
 :
Plaintiff, :
 :
- against - :
 :
LOZARO SUAREZVILLAMIL, LORENA :
MONGELLI, DOUG AUER, JOHN DOYLE, :
A.D.A CHERKASKY, :
 :
Defendants. :
-----: TO THE HONORABLE JESSE M. FURMAN, U.S.D.J.:

REPORT AND
RECOMMENDATION

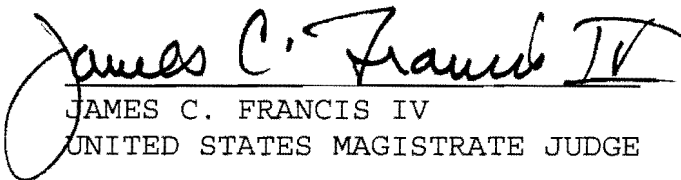
USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/8/12

The complaint in this action was filed on September 6, 2011, and an order of service was issued on October 26, 2011. However, service on the defendants was not effected. By letter March 15, 2012, I advised the plaintiff to submit within two weeks a letter setting forth any reasons why the action should not be dismissed. The plaintiff responded by indicating that he was having difficulty with his mail. By Order dated April 16, 2012, I extended his time to effect service until June 29, 2012, and indicated that no further extensions would be permitted. I further directed the plaintiff to the Pro Se Office for assistance. Nevertheless, service has still not been effected.

I therefore recommend that the complaint be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of

the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Jesse M. Furman, Room 630, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
August 7, 2012

Copies mailed this date:

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11-A-3556
Attica Correctional Facility
Box 149
Attica, New York 14011

DawnMarie Goins, Pro Se Staff Attorney